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Conseil de sécurité

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Lettre datée du 4 décembre 2020, adressée au Secrétaire général et aux représentantes permanentes et aux représentants permanents des membres du Conseil de sécurité par le Président du Conseil de sécurité

J'ai l'honneur de vous informer que le Conseil de sécurité a mené à bien la procédure de vote sur le projet de résolution portant la cote S/2020/1160, déposé par les États-Unis d'Amérique au titre de la question intitulée « la situation en Somalie ». Le vote s'est déroulé selon la procédure énoncée dans la lettre datée du 27 mars 2020 adressée aux représentantes permanentes et aux représentants permanents des membres du Conseil de sécurité par le Président du Conseil (S/2020/253), procédure qui a été arrêtée en raison de la situation exceptionnelle résultant de la pandémie de COVID-19.

La Directrice de la Division des affaires du Conseil de sécurité a reçu des lettres des 15 membres du Conseil communiquant la position de leur pays sur le projet de résolution. Le résultat du vote est le suivant :

Ont voté pour :

Afrique du Sud, Allemagne, Belgique, Chine, Estonie, États-Unis d'Amérique, Fédération de Russie, France, Indonésie, Niger, République dominicaine, Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, Saint-Vincent-et-les Grenadines, Tunisie, Viet Nam.

Ont voté contre :

Néant.

Se sont abstenus :

Néant.

Le projet de résolution a recueilli 15 voix pour. Le texte est adopté en tant que résolution 2554 (2020) du 4 décembre 2020. Le texte de la résolution, qui figure en annexe de la présente lettre*, sera publié sans délai comme document du Conseil de sécurité.

Le Président du Conseil de sécurité
(*Signé*) Jerry Matthews **Matjila**

* Distribué en anglais seulement.

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Annexe

United Nations S/RES/2554 (2020)

Security Council

Distr.: General
4 December 2020

Resolution 2554 (2020)

Adopted by the Security Council on 4 December 2020

The Security Council,

Recalling its previous resolutions concerning the situation in Somalia, especially resolutions 1814 (2008), 1816 (2008), 1838 (2008), 1844 (2008), 1846 (2008), 1851 (2008), 1897 (2009), 1918 (2010), 1950 (2010), 1976 (2011), 2015 (2011), 2020 (2011), 2077 (2012), 2125 (2013), 2184 (2014), 2246 (2015), 2316 (2016), 2383 (2017), 2442 (2018), and 2500 (2019), as well as the Statements of its President (S/PRST/2010/16) of 25 August 2010 and (S/PRST/2012/24) of 19 November 2012,

Welcoming the report of the Secretary-General (S/2020/1072), as requested by resolution 2500 (2019), on the implementation of that resolution and on the situation with respect to piracy and armed robbery at sea off the coast of Somalia,

Reaffirming its respect for the sovereignty, territorial integrity, political independence, and unity of Somalia, including Somalia's sovereign rights in accordance with international law, with respect to offshore natural resources, including fisheries,

Welcoming that there were no successful piracy attacks off the coast of Somalia in the prior 12 months, and *noting* that joint counter-piracy efforts have resulted in a steady decline in pirate attacks as well as in hijackings since 2011, with no successful ship hijackings for ransom reported off the coast of Somalia since March 2017 however, *recognizing* the ongoing threat that resurgent piracy and armed robbery at sea poses, *noting* the letter of 2 December 2020 from the Permanent Representative of the Permanent Mission of Somalia to the United Nations requesting international assistance to counter piracy off its coast, *and recalling* reports of the Secretary General and communiqués of the Contact Group on Piracy off the Coast of Somalia (CGPCS), which continue to illustrate that piracy off the coast of Somalia has been repressed but not eradicated, and *commending* countries and organizations that have deployed naval counter-piracy missions in the region to suppress piracy and protect ships transiting through the waters off the coast of Somalia and the region,

Reaffirming that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 (“The Convention”), sets out the legal framework within which all activities in the oceans and seas must be carried out, including countering piracy and armed robbery at sea,

Recognizing the need and *commending* the efforts of States, including in particular States in the region, to investigate and prosecute not only suspects captured at sea, but also anyone who incites or intentionally facilitates piracy operations, including key figures of criminal networks involved in piracy including those who plan, organize, facilitate or illicitly finance or profit from such attacks, and *reiterating* its concern over persons suspected of piracy having been released without facing justice, or released prematurely, *reaffirming* that the failure to prosecute persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia undermines anti-piracy efforts,

Welcoming the work of the CGPCS and the Law Enforcement Task Force (LETF) to facilitate the prosecution of suspected pirates and facilitators, and international efforts to coordinate the work of investigators and prosecutors, inter alia, through the LETF and collect and share information to disrupt the pirate enterprise, as exemplified by INTERPOL’s Global Database on Maritime Piracy, *further commending* the Padang Communique and Maritime Cooperation Declaration adopted by the Indian Ocean Rim Association (IORA), and the operationalization of the Regional Maritime Information Fusion Center (RMIFC) in Madagascar and *emphasizing* the need for States and international organizations to further enhance international efforts in this regard,

Welcoming efforts by the CGPCS, the United Nations Office on Drugs and Crime (UNODC), the United Nations Development Programme (UNDP), the Maritime Security Coordination Committee (MSCC), the financing mechanism provided by the Trust Fund to Support Initiatives of States Combating Piracy off the Coast of Somalia (the Trust Fund), and donors to strengthen regional judicial and law enforcement capacity to investigate, arrest, and prosecute suspected pirates as well as those associated with facilitating piracy and to incarcerate those convicted consistent with applicable international human rights law, *noting* with appreciation the assistance and capacity-building provided by UNODC Global Maritime Crime Programme, the Trust Fund, the International Maritime Organization (IMO), the funded Djibouti Code of Conduct, and the European Union Capacity Building Mission in Somalia (EUCAP Somalia), and *recognizing* the need for all engaged international and regional organizations to coordinate and cooperate fully,

Commending the efforts of the European Union Naval Forces (EUNAVFOR) Operation ATALANTA and EUCAP Somalia, Combined Maritime Forces’ Combined Task Force 151 (CMF), the counter piracy activities of the African Union onshore in Somalia and other States acting in a national capacity in cooperation with Somali authorities to suppress piracy and to protect ships transiting through the waters off the coast of Somalia, and *welcoming* the Shared Awareness and Deconfliction Initiative (SHADE), and the efforts of individual countries, including China, India, Japan, the Republic of Korea, and the Russian Federation, which have deployed naval counter-piracy missions in the region,

Commending the efforts of the CGPCS and Kenya, which assumed the Chair of the CGPCS for the period 2020 to 2022, and despite their work being severely restrained due to the COVID-19 pandemic welcoming their efforts to convene a successful virtual Friends of the CGPCS Chair meeting, with participants from over 50 countries as well as regional and international organizations, to update on maritime threats and activities off the coast of Somalia and finalise the Terms of Reference for the Strategic Planning Steering Group that will develop a strategic plan on future priorities of the CGPCS, and

explore the possibility of establishing a financial mechanism to replace the Trust Fund in consultation with FGS and in line with its policies,

Underlining the importance of cooperation between the Federal Government of Somalia and the Federal Member States in the development of a coast guard in Somalia, *noting* with appreciation the efforts made by the IMO and the shipping industry to develop and update guidance, best management practices, recommendations to assist ships to prevent and suppress piracy attacks off the coast of Somalia, and publishing the fifth version of the Best Management Practices to deter Piracy and Enhance Maritime Security in the Red Sea, Gulf of Aden, Indian Ocean and the Arabian Sea (BMP5),

Reaffirming international condemnation of acts of kidnapping and hostage-taking, including offences contained within the International Convention against the Taking of Hostages, and *expressing serious concern* at the inhumane conditions hostages face in captivity, and *noting* the importance of cooperation between Member States on the issue of hostage-taking and the prosecution of suspected pirates for taking hostages,

Welcoming the readiness of the Federal Government of Somalia and Federal Member States to cooperate with each other and with States who have prosecuted suspected pirates with a view to enabling convicted pirates to be repatriated back to Somalia under suitable prisoner transfer arrangements, consistent with applicable international law, including international human rights law, to serve the full terms of their sentences, but *expresses serious concern* regarding the premature release of any convicted prisoners returned from Seychelles to Somalia and reiterates that sentences served must be those passed by the courts of the prosecuting states and that any proposal to vary the sentences must be in conformity with agreements with Seychelles on the transfer of sentenced persons and consistent with applicable international law, including international human rights law,

Expressing serious concern over reports of illegal, unreported and unregulated fishing (IUU) in Somalia's Exclusive Economic Zone (EEZ), *recognizing* that IUU fishing can contribute to destabilization among coastal communities, and *noting* the complex relationship between IUU fishing and piracy, *welcoming* Somalia's accession to the Food and Agriculture Organization (FAO)'s Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, and the ongoing efforts of the Federal Government of Somalia towards the development of a legal regime for the distribution and enforcement of fishing licences,

Welcoming the release of the three Iranian seafarers from the FV Siraj as a result of the efforts of the Islamic Republic of Iran and the Hostage Support Partnership who were held as hostages inside Somalia in appalling conditions, and *appreciating* the work of the International Seafarers Welfare and Assistance Network (ISWAN), the Maritime Piracy Response Programme (MPHRP), and the CGPCS Piracy Survivors Family Fund (PSFF) in providing support to victims of piracy and their families, and recognizing the need to continue supporting these initiatives and contributions to funds,

Emphasizing that peace and stability within Somalia, the strengthening of State institutions, economic and social development, and respect for human rights and the rule of law are necessary to create the conditions for a durable eradication of piracy and armed robbery at sea off the coast of Somalia, and further *emphasizing* that Somalia's long-term security rests with the effective development by Somali authorities of the Somali Coast Guard and Maritime Police Units, Somali National Army, and Somali Police Force,

Determining that the incidents of piracy and armed robbery at sea off the coast of Somalia, as well as the activity of pirate groups in Somalia, are an important factor exacerbating the situation in Somalia, which continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reiterates* that it condemns and deplores all acts of piracy and armed robbery at sea off the coast of Somalia;

2. *While noting* improvements in Somalia, *recognizes* that piracy exacerbates instability in Somalia by introducing large amounts of illicit cash that fuels additional crime, corruption, and terrorism;

3. *Stresses* the need for a comprehensive response to prevent and suppress piracy and tackle its underlying causes by the international community in collaboration with Somali authorities and other relevant actors, and *encourages* Member States to continue to cooperate with Somali authorities in the fight against piracy and armed robbery at sea, without impeding the exercise of high seas freedoms or other navigational rights and freedoms by ships of any State, consistent with international law, as reflected in UNCLOS;

4. *Underlines* the primary responsibility of the Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia, *values* the recent launch of the Department of Somali Maritime Administration, and *welcomes* the National Maritime Coordination Committee (NMCC) meeting convened by the FGS to initiate a mapping process of all maritime activities, including international support;

5. *Recognizes* the need to continue investigating and prosecuting those who plan, organize, illicitly finance or profit from pirate attacks off the coast of Somalia, including key figures of criminal networks involved in piracy, and to develop the capacity of Somali authorities to investigate and prosecute such persons, and the capacity of Somalia's Financial Intelligence Unit to identify illicit financial activity and support the prosecution of pirate financiers, and *urges* States, working in conjunction with relevant international organizations, to adopt legislation to facilitate prosecution of suspected pirates off the coast of Somalia;

6. *Calls upon* the Somali authorities to interdict, and upon interdiction to have mechanisms in place to safely return effects seized by pirates, investigate and prosecute pirates and to patrol the waters off the coast of Somalia to prevent and suppress acts of piracy and armed robbery at sea;

7. *Calls upon* the Somali authorities to make all efforts to bring to justice those who are using Somali territory to plan, facilitate, or undertake criminal acts of piracy and armed robbery at sea, and calls upon Member States to assist Somalia, at the request of Somali authorities and with notification to the Secretary-General, to strengthen maritime capacity in Somalia, including regional authorities and, stresses that any measures undertaken pursuant to this paragraph shall be consistent with applicable international law, in particular international human rights law;

8. *Encourages* the Federal Government of Somalia to accede to the United Nations Convention against Transnational Organized Crime, and develop a corresponding legal architecture as part of its efforts to target money laundering and financial support structures on which piracy networks survive;

9. *Calls upon* States to cooperate, as appropriate, on the issue of hostage taking, and the prosecution of suspected pirates for taking hostages;

10. *Recognizes* the need for Member States, international and regional organizations, and other appropriate partners to exchange evidence and information

for anti-piracy law enforcement purposes with a view to ensuring effective arrest, prosecution of suspected, and imprisonment of convicted pirates and key figures of criminal networks involved in piracy who plan, organize, facilitate, or illicitly finance and profit from piracy operations, and keeps under review the possibility of applying targeted sanctions against individuals or entities that plan, organize, facilitate, or illicitly finance or profit from piracy operations if they meet the listing criteria set out in paragraph 43 of resolution 2093 (2013), and *calls* upon all States to cooperate fully with the Panel of Experts on Somalia, including on information-sharing regarding possible violations of the arms embargo or charcoal ban;

11. *Recognizes* the importance of capacity building and request donors to consider providing support to reinforce Somalia's national coast guard capacities through Human Resources development, training, equipping and building of coastal guard stations;

12. *Renews* its call upon States and regional organizations that are able to do so to take part in the fight against piracy and armed robbery at sea off the coast of Somalia, in particular, consistent with this resolution and international law, by deploying naval vessels, arms, and military aircraft, by providing basing and logistical support for counter-piracy forces, and by seizing and disposing of boats, vessels, arms, and other related equipment used in the commission of piracy and armed robbery at sea off the coast of Somalia, or for which there are reasonable grounds for suspecting such use;

13. *Highlights* the importance of coordination among Member states and international organizations in order to deter acts of piracy and armed robbery at sea off the coast of Somalia, commends the work of the CGPCS to facilitate such coordination in cooperation with the IMO, flag States, and Somali authorities, encourages the full participation of Somalia in all coordination efforts and urges continued support of these efforts;

14. *Decides* that, for a further period of 12 months from the date of this resolution to renew the authorizations as set out in paragraph 14 of resolution 2500 (2019) granted to States and regional organizations cooperating with Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by Somali authorities to the Secretary-General;

15. *Affirms* that the authorizations renewed in this resolution apply only with respect to the situation in Somalia and shall not affect the rights, obligations, or responsibilities of Member States under international law, including any rights or obligations under The Convention, with respect to any other situation, and underscores in particular that this resolution shall not be considered as establishing customary international law; and affirms further that such authorizations have been renewed in response to the 2 December 2020 letter conveying the request of Somali authorities;

16. *Decides* that the arms embargo on Somalia imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 of resolution 1425 (2002) and modified by paragraphs 33 to 38 of resolution 2093 does not apply to supplies of weapons and military equipment or the provision of assistance destined for the sole use of Member States, international, regional, and sub-regional organizations undertaking measures in accordance with paragraph 14 above, as most recently reaffirmed by OP 19(b) of resolution 2551 (2020);

17. *Calls upon* all States to take appropriate actions under their existing domestic law, or develop legislative processes, to prevent the illicit financing of acts of piracy and the laundering of its proceeds;

18. *Calls upon* all States, and in particular flag, port, and coastal States, States of the nationality of victims and perpetrators of piracy and armed robbery, and other States with relevant jurisdiction under international law and national legislation, to cooperate in determining jurisdiction, to criminalize piracy under their domestic law, and to favourably consider the prosecution of suspected, and imprisonment of those convicted, pirates apprehended off the coast of Somalia, and their facilitators and financiers ashore, decides to keep these matters under review, including, as appropriate, the establishment of specialized anti-piracy courts in Somalia with substantial international participation and/or support as set forth in resolution 2015 (2011), and encourages the CGPCS to continue its discussions in this regard;

19. *Further calls upon* all States to cooperate in the investigation and prosecution of all persons responsible for or associated with acts of piracy and armed robbery off the coast of Somalia, including international criminal networks involved in piracy who plan, organize, facilitate, or illicitly finance or profit from such attack, consistent with applicable international law including international human rights law; to ensure that all pirates handed over to judicial authorities are subject to a judicial process, and to render assistance by, among other actions, providing disposition and logistics assistance with respect to persons under their jurisdiction and control, such as victims, witnesses, and persons detained as a result of operations conducted under this resolution;

20. *Urges* all States to ensure that counter-piracy activities, particularly land-based activities, take into consideration the need to protect women and children from exploitation, including sexual exploitation;

21. *Urges* all States to share information with INTERPOL for use in the global piracy database, through appropriate channels;

22. *Welcomes* the UNODC Global Maritime Crime Programme's continued work with authorities in Somalia and in neighbouring States to ensure that individuals suspected of piracy are prosecuted and those convicted are imprisoned in a manner consistent with applicable international law, including international human rights law, and *welcomes* the work of international and regional organizations to strengthen the capacity of financial intelligence units in Somalia and neighbouring states;

23. *Recognizes* the successful prosecution of piracy cases by Seychelles and *implores* regional authorities to honour transfer agreements;

24. *Urges* States parties to The Convention and the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention) and its protocols to implement fully their relevant obligations under these conventions and customary international law and to cooperate with the UNODC, IMO, and other States and international organizations to build judicial capacity for the successful prosecution of persons suspected of piracy and armed robbery at sea off the coast of Somalia;

25. *Acknowledges* the recommendations and guidance provided by the IMO on preventing and suppressing piracy and armed robbery at sea; and urges States, in collaboration with the shipping and insurance industries and the IMO, to continue to develop and implement avoidance, evasion, and defensive best practices and advisories to take when under attack or when sailing in the waters off the coast of Somalia, and further urges States to make their citizens and vessels available for forensic investigation as appropriate at the first suitable port of call immediately following an act or attempted act of piracy or armed robbery at sea or release from captivity;

26. *Welcomes and encourages* efforts by flag States and port States to further consider the development of safety and security measures on board vessels, including,

where applicable, developing regulations for the use of privately contracted armed security personnel (PCASP) on board ships, aimed at preventing and suppressing piracy off the coast of Somalia, through a consultative process, including through the IMO and ISO;

27. *Invites* the IMO to continue its contributions to the prevention and suppression of acts of piracy and armed robbery against ships, in coordination, in particular, with the UNODC, the World Food Program (WFP), the shipping industry, and all other parties concerned, and recognizes the IMO's role concerning privately contracted armed security personnel on board ships in high-risk areas;

28. *Notes* the importance of securing the safe delivery of WFP assistance by sea, and welcomes the ongoing work by the WFP, EUNAVFOR Operation Atalanta, and flag States with regard to Vessel Protection Detachments on WFP vessels;

29. *Requests* the Secretary-General to report to the Security Council within eleven months of the adoption of this resolution on the implementation of this resolution and on the situation with respect to piracy and armed robbery at sea off the coast of Somalia, including assessment of National Coast Guard capabilities as well as voluntary reports by cooperating States and regional organizations;

30. *Expresses its intention* to review the situation and consider, as appropriate, renewing the authorizations provided in paragraph 14 above for additional periods upon the request of Somali authority;

31. *Decides* to remain seized of the matter.